



Paper No. 5

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OFFICE OF PETITIONS

CASELLA & HESPOS
274 MADISON AVENUE, SUITE 1703
NEW YORK, NY 10016

In re Application of
Usui
Application No. 09/731,170
Filed: December 6, 2000
Attorney Docket No. USUI-12N

:
: DECISION GRANTING
: PETITION
:
:

This is a decision on the petition filed on February 5, 2001, in effect requesting that a Notice of Omitted Items in a Nonprovisional Application ("Notice"), mailed on January 24, 2001 for the above-identified application, be withdrawn.

The petition is GRANTED.

The application was filed on December 6, 2000. However, on January 24, 2001, the Initial Patent Examination Division (OICE) mailed the Notice stating that the application had been accorded a filing date, and advising that Figures 5, 6, 7, 8 described in the specification appeared to have been omitted from the filed application.

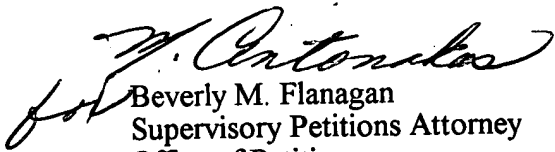
In response, the present petition was filed wherein Petitioner contends that the allegedly omitted figures were filed with other application papers on December 6, 2000. In support, the petition is accompanied by a copy of the postcard receipt which acknowledges receipt in the Office on December 6, 2000 of, *inter alia*, 5 sheets of drawings. The application is identified on the postcard receipt as "Atty. Ref.: USUI-12N," which is the attorney docket number for this application. In addition, the petition encloses a copy of the application filed on December 6, 2000, including "copies" of the drawings allegedly filed on that day.

The Office file for this application actually does not include any sheets of drawings for this application.¹ Based on the information contained in Petitioner's postcard receipt, the Office concludes that 5 sheets of drawings containing Figures 1-8 had been received in the Office on December 6, 2000 and were later misplaced. The petition is thus granted. The Notice mailed on January 24, 2001 is hereby withdrawn. The \$130 petition fee has been credited to Deposit Account No. 03-1030 as authorized in the present petition.

¹ The 1/24/01 Notice erroneously stated that only Figures 5-8 were missing.

The application is being returned to the Initial Patent Examination Division for further processing with a filing date of December 6, 2000, using the copies of drawings supplied with the petition.

Telephone inquiries concerning this matter may be directed to Petitions Attorney RC Tang at (703) 308-0763.

A handwritten signature in cursive script, appearing to read "B. Flanagan", is written over the printed name.

Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy